

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Arbitration - Settlement of Arbitration Award dated 06-12-1990 with Power of Attorney holder of M/s.B.Koteswara Rao and Legal Heirs in respect of the work Construction of Additional Cross regulator-cum-foot bridge at M 24/6+550 (KM 40) of N.S.Right Canal Agreement No.10-SE/82-83 - Sanction of an amount Rs.1,50,000/- as full and final settlement and Sanctioned - Orders - Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT(ARB)DEPARTMENT

G.O.Ms.No. 88

Dated the 27th August 2010.

Read the following:-

- 1.From sri B.Ramakrishna, Power of Attorney holder of M/s.B. Koteswara Rao and Legal Heirs, Narasaraopet, Guntur District, repn.dt.09-04-2009.
1. From the C.E., N.S.Project, Camp Office, Hyderabad, Lr.No.CE/NSP/Govt./OT3/D1/29688/80, dt.03-07-2009.
2. Govt.Memo.No.9871/ARB./09-2, dated 01-08-2009.
3. From the ENC(I), Hyd. Lr. No.ENC(I)/DCE (GDS)/ OT2/AEE2/ ARB/ NSRC/ Regulator cum bridge Dt:19-02-2010.
4. From the C.E., NSP, Guntur, Lr.No.CE/NSP/CO/GNT/OT-3/DI/29688/80, dated 18-03-2010.
5. From the ENC(I), Hyd., Lr.No.ENC(I)/DCE(GDS/OT2/AEE2/ ARB/NSRC/ Regulator cum bridge, dated 23-03-2010.

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O R D E R:

Sri B.Ramakrishna, Legal representative of late Sri B. Koteswara Rao, Contractor in the reference first read above, has stated that the work Construction of Additional Cross regulator-cum-foot bridge at M 24/6+550 (KM 40) of N.S.Right Canal was entrusted to Late Sri B.Koteswara Rao. During the execution of the work, certain disputes have arisen between the contractor and the Department. Those were referred to the Panel of Arbitrators. The Arbitration Tribunal made and signed their award on 06-12-1990. The Dept. has filed O.P.No.61/1996 to set aside the award, whereas the Contractor has filed O.P.No.51/1996 to make the award as rule of court and pass a decree in terms of the award before the Sr.Civil Judge, Gurajala, Guntur District. By a common order dt.23-03-1998, the Hon'ble Court made the award rule of court and passed a decree the O.P.filed by the Dept. was dismissed. Subsequently, Sri B.Koteswara Rao died on 23-03-99. Thereupon they implied as legal representatives. Aggrieved by the said judgement and decree, the Govt.filed C.R.P.No.5263 of 2000 (against O.S.No.51/96) and C.M.A. No.472/2002 (against O.P. No.61/96) and they have also preferred Cross Objections to the extent of not granting interest. While the matter pending, the Hon'ble Court directed both the parties to mutually settle the dispute by its order dated 17-02-2009 and disposed the cases. He has therefore, requested to process the case as per the Hon'ble High Court direction and settle the matter at an early date.

2. The Chief Engineer, Nagarjuna Sagar Project, Guntur, has submitted the report of the Superintending Engineer, Irrigation Circle, Ongole. Wherein, the Superintending Engineer, Irrigation Circle, Ongole, among others has reported to the Chief Engineer, that the Contractor has filed E.P.No.70/98 for execution of decree passed by the Sr.Civil Judge, Court in O.P.No.51/96, dated 23-03-1998. The Department have filed appeal in CMP.No.601/2000 and CMP No.1779/2000 before the Hon'ble High Court. The Hon'ble High Court in its orders dt.17-02-2000 has directed to deposit 60% of the decretal amount and disposed off the Cross Objections vide CMA No.472 of 2002 and CRP. No.5263 of 2000. In compliance of the directions of the Hon'ble High Court, the Government have sanctioned an amount of Rs.3,75,479/- towards 60% of the decretal amount vide G.O.Ms.No.55, I & CAD (PW.ARB) Department, dt.17-04-2000 and a balance of Rs.2,50,603/- was due to the Contractor as on 05-07-2000.

3. In the reference third read above, in view of the Hon'ble High Court Order, dated 17.02.2009, the representation of the Legal Heirs of the Contractor and as per the report of the Chief Engineer, Nagarjuna Sagar Project, Guntur, the case has been referred to the Conciliation Committee for Andhra Region for amicable settlement.

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4. The Engineer-in-Chief, Irrigation, I & CAD Department, Hyderabad in the reference fourth read above, has furnished the report of the Committee. Wherein, the Conciliation Committee for Andhra Region, after negotiation with the Legal heir of the Contractor, has recommended an amount of Rs.1,60,000/- as full and final settlement of the case and obtained the consent from the Legal Heir of the Contractor.

5. In compliance with the orders of Hon'ble High Court, the Prl. Secretary to Government has conducted final conciliation with Sri B.Ramakrishna, Power of Attorney holder of M/s.B.Koteswara Rao and Legal Heirs on 22-03-2010 and the G.P.A. of the Contractor has agreed for an amount of Rs.1,50,000/- as full and final settlement of the case. Accordingly, the Legal heir of the Contractor has furnished his consent on the notarized affidavit through the Engineer-in-Chief, Irrigation, Hyd., wherein, the Power of Attorney holder of M/s.B.Koteswara Rao and Legal Heirs, while agreeing the conciliated amount, has declared that he will withdraw all his legal proceedings in Hon'ble High Court of Andhra Pradesh or in any other Courts, if the said amount (i.e.Rs.1,50,000/- inclusive of Principal and interest) in all as lumpsum is paid to him by the Government, as agreed in token of settlement of the arbitration case pending in courts.

6. Government after careful examination of the matter, hereby accord sanction for an amount of Rs.1.50,000/- (Rupees one lakh fifty thousand only) towards full and final settlement of the Arbitration Award dt.06-12-1990 with Sri Bollineni Rama Krishna, S/o.Late B. Koteswara Rao, Power of Attorney holder of M/s.B.Koteswara Rao and Legal Heirs in respect of the work relating to Construction of Additional Cross regulator-cum-foot bridge at M 24/6 +550 (KM 40)of N.S.Right Canal covered under Agt.No.10-SE/82-83.

7. The above sanctioned amount shall be debited to the following Head of Account:

"M.H. 2701 – Major & Medium Irrigation - 01 – Major Irrigation Commercial – 101 – N.S.Project – G.H. – 11 – Normal State Plan – S.H.27 – Canals & distributaries – 530 – Major works – 531 Other expenditure".

8. The Chief Engineer, Nagarjuna Sagar Projects, Camp Office, Guntur, is directed to arrange to pay the amount sanctioned at para (6) above to the Power of Attorney holder of M/s.B.Koteswara Rao and Legal Heirs duly deducting the amounts that are recoverable on whatsoever account.

9. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.4192/F2(1)/2010-1, dated.18.08.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRL.SECRETARY TO GOVERNMENT

To
The Chief Engineer, N.S.Project, Camp Office, Guntur.
The Director of Works Accounts, A.P., Hyderabad.
Sri B.Ramakrishna, Flat No.205, Sri Sai Ram Apartments,
Opp: St.Ann's College Gate, Prakash Nagar,
Narasaraopeta, Guntur District.

Copy to:
The Finance (W&P) Dept.
The I & CAD (P&B) Department.
The Accountant-General, Andhra Pradesh, Hyderabad.
The Learned Advocate-General, High Court of A.P.,
High Court Buildings, Hyderabad.
The Government Pleader for Arbitration, High Court of A.P.,
High Court Buildings, Hyderabad.
S.C. S.F.

//Forwarded::Byorder//

SECTION OFFICER